

**Sabine and Neches Rivers and Sabine Lake Bay
Basin and Bay Expert Science Team (BBEST)**

**Proposed Ground Rules
1/26/2009**

The following are offered as starting points for discussion to determine ground rules for the BBEST.

Alternates and Proxies

If a member is unable to attend, then another person on the BBEST may serve as a proxy provided the committee chair was notified of the proxy before the meeting.¹

Quorum

Seven of the eleven BBEST members (approximately two-thirds) present are adequate for quorum and proxies may be included when determining quorum.

Consensus

By statute, the primary charge of the BBEST is to “develop environmental flow analyses and a recommended environmental flow regime for the river basin and bay system for which the team is established through a collaborative process designed to achieve a consensus” (SB3, Section 11.02362 (m)). Therefore, defining “consensus” and how it will be achieved is critical to the success of the BBEST.

Consensus may be defined as general agreement among the members of a group, each of which exercises some discretion in decision making and follow-up action.² Achieving consensus requires serious treatment of every group member's considered opinion. The process of achieving consensus is called *consensus decision-making*³ and has the following components as shown in Figure 1: discussion of the item; formation of a proposal; call for consensus; identification and addressing of concerns; and modification of the proposal.

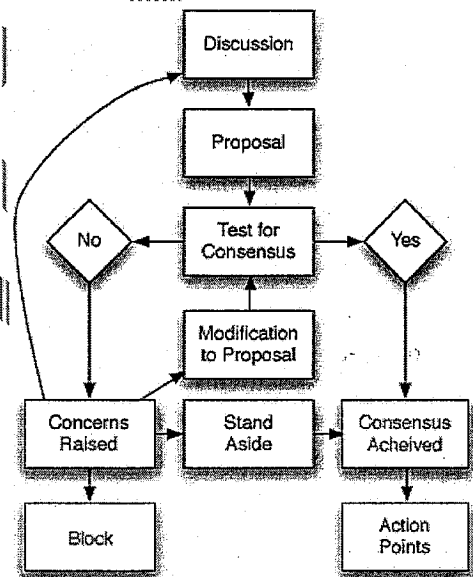


Figure 1. Flowchart of consensus decision-making process

¹ Proposed rules for Alternates and Proxy Votes and Quorum adopted from the 8/21/2008 Sabine and Neches Rivers and Sabine Lake Bay Basin and Bay Stakeholder (BBAS) Committee Meeting minutes.
http://www.tceq.state.tx.us/assets/public/permitting/watersupply/water_rights//eflows/08212008sabine_minute_s.pdf.

² <http://en.wikipedia.org/wiki/Consensus>.

³ Taken mostly from the Wikipedia article at http://en.wikipedia.org/wiki/Consensus_decision-making.

The test for consensus can be conducted using the following voting scale:⁴

1. Wholeheartedly agree;
2. Supportive;
3. Can live with it;
4. Reservations about it – let's talk more;
5. Serious concerns exist – must talk;
6. Reject it – will block it.

Group members may be willing to let a motion pass but desire to register their concerns by choosing to *declare reservation*. If there are significant reservations about a motion, the group may choose to modify or re-word the proposal. A *stand aside* may be registered by a group member who has a "serious personal disagreement" with a proposal, but is willing to let the motion pass. A predetermined number of members may *block* a proposal. This is considered an extreme measure only to be used when there is a principled objection such as that the proposal violates the mission, in the case of the BBEST the primary charge.

This process encourages dissent early, should allow for focusing on interests, concerns, and needs rather than positions (*interest-based negotiation*⁵), and maximizes the chance of accommodating the views of all minorities. However, this process does not ensure achieving *unanimity* and there are several alternative benchmarks of consensus that may be used in the event that unanimity is not achieved. Of these, the BBEST may want to utilize one of the following three alternatives to reaching non-unanimous consensus, possibly with modification.

- *Unanimity minus two (or U-2)* does not allow two (or one) members to block a decision so it curtails debate with a lone dissenter more quickly. Dissenting pairs can present alternate views of what is wrong with a decision. If they can find the common ground to convince a third member to join them, then the decision can be blocked. Otherwise, their arguments are deemed to be unconvincing.
- *Unanimity minus three (or U-3)* recognizes the ability of four or more members to actively block a decision. U-3 and lesser degrees of unanimity are usually lumped in with statistical measures of agreement, but such measures do not fit within the definition of consensus. The BBEST may want to simply modify the U-2 approach, above, so that three dissenting members must convince a fourth to join them or their arguments are deemed to be unconvincing.
- *Rough consensus* is a process with no specific rule for "how much is enough." The question of consensus is left to the judgment of the group chair.

⁴ A Practical Guide to Consensus, Policy Consensus Initiative, <http://www.policyconsensus.org/publications/practicalguide/index.html>. Page 65.

⁵ A Practical Guide to Consensus. Page 63.